

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

*IN RE* TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL No. 1570 (RCC)

THOMAS E. BURNETT, SR., *et al.*,  
Plaintiffs,

V.

AL BARAKA INVESTMENT AND DEVELOPMENT  
CORPORATION, *et al.*,

C.A. No. 03 CV 9849 (RCC)

Defendants.

## MOTION TO STAY PROCEEDINGS

The undersigned counsel for Al Haramain Islamic Foundation (Burnett-D54) and Aqeel Al-Aqeel (Burnett-D94) respectfully moves this Court to grant a stay in the above-styled proceedings pending outcome of an on-going criminal investigation in Oregon that may involve, *inter alia*, the Riyadh-based charity and its former director.

In seeking the stay, for a time period to be determined by the Court, Defendants do not admit or deny any of the allegations. Due to the unknown status of the pending Oregon investigation, Defendants will be unduly prejudiced with no tangible prejudice to the Plaintiffs.

A proposed Order is attached.

Respectfully submitted,

Ashraf Nubani (AN-9436)  
Busch & Nubani, P.C.  
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703-658-5151  
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Counsel for Defendants Al Haramain  
Islamic Foundation and Aqeel Al-Aqeel  
Dated: June 28, 2004



**CERTIFICATE OF SERVICE**

I hereby state that, on June 28, 2004, I served a copy of the foregoing Motion to Stay Proceedings upon the ECF system and via first class mail to the parties who have not opted to receive service through the ECF.

Respectfully submitted,

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Counsel for Defendants Al Haramain  
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